

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
BREVARD DIVISION  
Case No. 1:21-CV-00067**

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DMARCIAN, INC.,

*Plaintiff,*

v.

DMARCIAN EUROPE BV,

*Defendant.*

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**DEFENDANT’S MOTION TO  
DISMISS**

Defendant dmarcian Europe BV (“dBV”), by and through its undersigned counsel, and pursuant to Rules 12(b)(2) & (3) of the Federal Rules of Civil Procedure, moves to dismiss the First Amended Complaint herein for (a) lack of personal jurisdiction and (b) *forum non conveniens*.

In connection with this Motion, dBV refers to the Declarations of (a) Hub J. Harmeling, (b) Alfred Meijboom, and (c) Martijn Groeneweg, all sworn to on April 19, 2021, and contemporaneously filed in connection with dBV’s Opposition to Plaintiff’s Motion for Preliminary Injunction. The grounds for this Motion are more fully stated in the Memorandum in Support of the Motion to Dismiss which is filed contemporaneously herewith and which is incorporated by this reference.

This the 19<sup>th</sup> day of April, 2021.

**WOMBLE BOND DICKINSON (US) LLP**

/s/ Pressly M. Millen

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